

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MAI ROQUEMORE, as Personal Representative
of the ESTATE OF NICKIE DONALD,

Plaintiff,
v.
Case No.: 08-12025
Hon. Denise Page Hood
Mag. Mona K. Majzoub

AMERICAN BRIDGE MANUFACTURING,
a foreign corporation,

Defendant.

**PLAINTIFF'S MOTION TO APPROVE SETTLEMENT AND
DISTRIBUTE SETTLEMENT PROCEEDS**

NOW COMES Plaintiff, MAI ROQUEMORE-DONALD, as Personal Representative of the Estate of Nickie Donald, Deceased, by and through her attorneys, FIEGER, FIEGER, KENNEY, GIROUX & HARRINGTON, P.C., and asks this Honorable Court to approve the settlement of this matter, and approve the distribution of the settlement proceeds, and in support thereof states as follows:

1. This is a wrongful death case arising out of a motor vehicle accident involving Nickie Donald, occurring on May 25, 2007.
2. That Mai Roquemore-Donald is the Personal Representative of the Estate of Nickie Donald, Deceased.

3. That Mai Roquemore-Donald, as Personal Representative of the Estate of Nickie Donald, deceased, filed a wrongful death action in Wayne County Circuit Court on or about June 15, 2007, alleging that the Defendants caused a steel bridge beam to become dislodged from a tractor trailer when it hit the overpass on I-94, striking Nickie Donald's truck and killing him.

4. That the case was removed to United States District Court for the Eastern District of Michigan on or about May 8, 2008.

5. That this matter had resolved as to all Defendants except for Defendant American Bridge Manufacturing.

6. Plaintiff has now reached settlement with Defendant American Bridge Manufacturing and requests that this Court enter an Order approving disbursement of the \$175,000.00 settlement proceeds as follows:

- a. \$26,657.53 to Fieger, Fieger, Kenney, Giroux & Harrington, P.C. said sum representing reimbursement for attorney costs expended in prosecuting this matter;
- b. \$47,780.82 to Fieger, Fieger, Kenney, Giroux & Harrington, P.C. said sum representing attorney fees payable pursuant to the contingency fee agreement between Fieger, Fieger, Kenney, Giroux & Harrington, P.C. and Plaintiff;
- c. \$2,500.00 to Howard T. Linden, Esq. for probate attorney fees for the Estate;

7. Distribution of net proceeds herein, which after deduction of the above cited costs and fees total \$93,061.65 as follows:

a. Mai Roquemore-Donald (wife of deceased)	\$46,531.15*
b. Louise Donald (mother of deceased)	\$9,306.10
c. Savonna Roquemore (step-daughter of deceased)	\$18,612.20
d. Sabree Bijon Nelson (daughter of deceased)	\$18,612.20
e. Nickie Allen Donald, Jr. (Son of deceased)	\$0

*\$5,000 will be retained by the Fieger Firm for 30 days for any additional costs.

8. Plaintiff also requests that the Court award no monies to the Estate on account of conscious pain and suffering of the decedent.

9. The reasonable medical, funeral and burial expenses of the Decedent have been paid.

10. The Personal Representative has not been contacted by any other parties and knows of no other persons that suffered damages as a result of the decedent's death and further has given notice as required by statute.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court grant Plaintiff's Motion to Approve Settlement and Distribute Settlement Proceeds on behalf of Mai Roquemore-Donald, as Personal

Representative for the Estate of Nickie Donald, Deceased, and enter the proposed Order attached hereto.

Respectfully submitted,

FIEGER, FIEGER, KENNEY, GIROUX & HARRINGTON, P.C.

/S/ DAVID A. DWORETSKY

GEOFFREY N. FIEGER (P30441)
DAVID A. DWORETSKY (P67026)
Attorneys for Plaintiffs
19390 W. Ten Mile Road
Southfield, MI 48075
(248) 355-5555

Dated: December 17, 2014

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**BRIEF IN SUPPORT OF PLAINTIFF'S MOTION
TO APPROVE SETTLEMENT AND DISTRIBUTE
SETTLEMENT PROCEEDS**

Plaintiff relies upon applicable court rules and law, and the facts as set forth in her Motion in support thereof.

Respectfully submitted,

**FIEGER, FIEGER, KENNEY, GIROUX &
HARRINGTON, P.C.**

/s/ DAVID A. DWORETSKY

GEOFFREY N. FIEGER (P30441)
DAVID A. DWORETSKY (P67026)
Attorneys for Plaintiffs
19390 W. Ten Mile Road
Southfield, MI 48075
(248) 355-5555

Dated: December 17, 2014

CERTIFICATE OF SERVICE

I hereby certify that on **Wednesday, December 17, 2014**, a copy of Plaintiff's Motion to Approve Settlement and Distribute Settlement Proceeds, was electronically filed through the Court's electronic filing system. All parties will be served through the Court's electronic filing system.

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**ORDER APPROVING SETTLEMENT AND DISBURSEMENT
OF SETTLEMENT PROCEEDS**

At a session of said Court held in the
City of Detroit, County of Wayne,
State of Michigan,

on _____

PRESENT: HON. _____

This matter having come before the Court upon Plaintiff's Motion to Approve Settlement and Disbursement of Settlement Proceeds, and the Court being otherwise fully advised;

IT IS HEREBY ORDERED that the settlement and disbursements as outlined in Plaintiff's Motion to Approve Settlement and Disbursement of Settlement Proceeds are approved and shall be paid.

IT IS FURTHER ORDERED that upon entry of the order approving distribution of the proceeds, this case shall be closed.

IT IS SO ORDERED.

United States District Court Judge